COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION

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AVX Corporation 1 AVX Boulevard)	
)	
Fountain Inn, SC 29644)	
)	File No.: ACO-SE-09-3P-016-AMEND#5
)	
)	

AMENDMENT OF ADMINISTRATIVE CONSENT ORDER

The Department of Environmental Protection ("Department" or "MassDEP") and the Respondent agree to amend and incorporate the following changes into the Administrative Consent Order ACO-SE-09-3P-016 and amendments Amend#1 through Amend#4 for the sole purpose of addressing the letter providing written notice of dispute that was submitted to MassDEP by counsel for the Respondent dated December 12. 2016:

- 1. Section III, paragraph 22, that stated in Amendment #4:
- 22. Respondent may invoke the following dispute resolution procedures to challenge a decision by MassDEP under Paragraphs 14 and 20 of this Consent Order:
 - (b). The parties shall participate in a conference call or meeting to attempt to resolve the dispute within forty five (45) days of MassDEP's receipt of Respondent's notice of dispute.

is hereby amended to:

- 22. Respondent may invoke the following dispute resolution procedures to challenge a decision by MassDEP under Paragraphs 14 and 20 of this Consent Order:
 - (b). The parties shall participate in a conference call or meeting to attempt to resolve the dispute within ten (10) days of AVX's receipt of MassDEP's correspondence entitled, "Written Determination Regarding Phase III Remedial Action Plan."
- 2. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
- 3. This Consent Order Amendment shall become effective on the date that it is executed by MassDEP.

- 4. The Department represents that the Regional Director has the authority to issue this Order on behalf of the Department.
- 5. All of the original provisions contained in Paragraph 22 remain in full force and effect for all other instances of dispute resolution except for the dispute raised in the above referenced letter from counsel for the Respondent dated December 12, 2016.
- 6. All of the remaining provisions of this Order, specifically Section III, which addresses the terms and conditions for imposing stipulated penalties, remain in full force and effect.

Conse	nted To:
By:	Eran Slavlot
•	Evan Slavitt
	Senior Vice President, General Counsel & Corporate Secretary AVX Corporation
	1 AVX Boulevard
	Fountain Inn, South Carolina 29644
Federa	l Employer Identification Number: 33-0379007
Date:	
Issued	By: RTMENT OF ENVIRONMENTAL PROTECTION
DELA	REMEM OF ENVIRONMENTAL PROFESTION
By:	Millie Garcia - Serran
•	Millie Garcia-Serrano, MPH
	Regional Director
	Department of Environmental Protection
	20 Riverside Drive
	Lakeville, Massachusetts 02347
Date:	January 31,2017